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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,795	12/11/2003	Karen C. Roles	5681-76400	8971
35690	7590	04/10/2007	EXAMINER	
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P.O. BOX 398 AUSTIN, TX 78767-0398			INGBERG, TODD D	
		ART UNIT	PAPER NUMBER	
		2193		

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	10/733,795	ROLES ET AL.
	Examiner	Art Unit
	Todd Ingberg	2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 13 April 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-35 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-35 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 11 December 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date 4/2005.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
 5) Notice of Informal Patent Application
 6) Other: _____.

DETAILED ACTION

Claims 1 – 35 have been examined.

Information Disclosure Statement

1. The Information Disclosure Statement filed April 13, 2005 has been considered.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because of shading keeping the text from being able to be read and handwriting. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

3. URLs are not permitted in the Specification. Removal is required (i.e. page 39).
4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 – 20 and 35 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The current focus of the Patent Office in regard to statutory inventions under 35 U.S.C. § 101 for method claims and claims that recite a judicial

exception (software) is that the claimed invention recite a practical application. Practical application can be provided by a physical transformation or a useful, concrete and tangible result. No physical transformation is recited and additionally, the final result of the claim is for an object oriented tool which is not does not produce a tangible result because ti the result is not clearly and concisely claimed to be on a computer readable medium. The following link on the World Wide Web is for the United States Patent And Trademark Office (USPTO) policy on 35 U.S.C. §101.

http://www.uspto.gov/web/offices/pac/dapp/opla/preognocice/guidelines101_20051026.pdf

Claim 35 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are directed to a signal directly or indirectly by claiming a medium and the Specification recites evidence where the computer readable medium is define as a “*wave*” (such as a carrier wave) . In that event, the claims are directed to a form of energy which at present the office feels does not fall into a category of invention. The following link on the World Wide Web is for the United States Patent And Trademark Office (USPTO) policy on 35 U.S.C. §101.

http://www.uspto.gov/web/offices/pac/dapp/opla/preognocice/guidelines101_20051026.pdf

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 – 10, 12 – 17 and 19 – 30 are rejected under 35 U.S.C. 102(b) as being anticipated by, “OS/2 Client/Server Toolkit”, by Angelo R. Bobak, 1995.

NOTE: OS/2 by IBM was an Object-Oriented implementation.

Claim 1

OS/2 anticipates a management system for generation of a management object model including a structured hierarchy of objects representing components of a computer system for performing management of the computer system (OS/2, page 562, Figure 19.1), the management system comprising component modules operable to define mappings from instrumentation of the components to objects representing those components (OS/2, page 610, Figure 22.1), and configuration modules operable to configure associations between the component modules for the generation of the management object model (OS/2, page 562, Figure 19.1 and pages 610 - 619).

Claim 2

The management system of Claim 1, wherein component modules are operable to define mappings at respective different levels of abstraction. OS/2, page 562, Figure 19.1

Claim 3

The management system of Claim 2, wherein a said component module is operable to define a mapping for a single component property at a first level of abstraction. OS/2, page 562-263, define variable.

Claim 4

The management system of Claim 2, wherein a said component module is operable to define a mapping for a set of component properties forming an object at a second level of abstraction. OS/2, Interaction of 2 components with messaging (inherent form of an API in Object technology), page 562, figure 19.1.

Claim 5

The management system of Claim 2, wherein a said component module is operable to define a mapping for an assembly of associated objects at a third level of abstraction. OS/2, page 562, Figure 19.1, context of the system depicted.

Claim 6

The management system of Claim 1, wherein a said component module for a component defines a behavior of the object representing the component. Object by definition – Objects are made of attributes and the methods to perform operations on those attributes. methods are the behavior.

Claim 7

The management system of Claim 1, wherein a said configuration module is operable to configure a said component module dynamically at run time for a said component that is subject

to dynamic changes in status and is further operable to monitor said component for a change in status. OS/2, pages 609, 611-615, configuration parameter tool, bottom of page 612.

Claim 8

The management system of Claim 1, wherein a said configuration module is operable to configure a said component module statically at run time for a said component having static properties for a given invocation of the computer system. OS/2, page 609 and page 592, fixed properties such as the size of a message as defined to be 256 characters

Claim 9

The management system of Claim 1, wherein a said configuration module is operable to configure a said component module fixedly at run time for a said component having fixed properties for any invocation of the computer system. See the rejection for claim 8.

Claim 10

The management system of Claim 1, comprising a library of component modules. (OS/2, page 562, Figure 19.1, software modules associated with model).

Claim 12

The management system of Claim 1, wherein a said component module for a component identifies an instrumentation module defining a source of instrumentation for the component. OS/2, page 603, transRecords.

Claim 13

The management system of Claim 12, wherein the instrumentation module exports an object-based representation of the instrumentation data via an instrumentation interface. OS/2, page 627, Figure 22.2

Claim 14

The management system of Claim 13, wherein the instrumentation module comprises a general part and a specific part, the general part being operable to communicate with the specific part via a private interface to obtain instrumentation data, and the specific part being configured to interface with instrumentation for the component to obtain said instrumentation data. OS/2, pages 618-619, general instrumentation of for administrator (page 619).

Claim 15

The management system of Claim 14, wherein the general part and the specific part are local to each other. OS/2, page 612, Config Params, options Local or Remote.

Claim 16

The management system of Claim 14, wherein the specific part is remote from the general part, the general part being operable to communicate with the remote part via a remote access mechanism. See the rejection for claim 15.

Claim 17

The management system of Claim 12, comprising a library of instrumentation modules. (OS/2, page 610, Figure 22.1 – modules associated with software modeled.

Claim 19

The management system of Claim 1, wherein the management system forms a management agent for remote management of a computer system. As per the rejection for claim 15 and pages 603 – 604.

Claim 20

A computer system comprising a management system for generation of a management object model including a structured hierarchy of objects representing components of a computer system for performing management of the computer system, the management system comprising component modules operable to define mappings from instrumentation of the components to objects representing those components, and configuration modules operable to configure associations between the component modules for the generation of the management object model. See the rejection for claim 1.

Claim 21

A method for generating a management object model including a structured hierarchy of objects representing components of a computer system for performing management of the computer system, the method comprising component modules defining mappings from instrumentation of the components to objects representing those components, and configuration modules configuring associations between the component modules for the generation of the management object model. See the rejection for claim 1.

Claim 22

The method of Claim 21, comprising component modules defining mappings at respective different levels of abstraction. See the rejection for claim 2.

Claim 23

The method of Claim 22, comprising a said component module defining a mapping for a single component property at a first level of abstraction. See the rejection for claim 3.

Claim 24

The method of Claim 22, comprising a said component module defining a mapping for a set of component properties forming an object at a second level of abstraction. See the rejection for claim 4.

Claim 25

The method of Claim 22, comprising a said component module defining a mapping for an assembly of associated objects at a third level of abstraction. See the rejection for claim 5.

Claim 26

The method of Claim 21, comprising a said component module for a component defining a behavior of the object representing the component. See the rejection for claim 6.

Claim 27

The method of Claim 21, comprising a said configuration module configuring a said component module dynamically at run time for a said component that is subject to dynamic changes in status and monitoring said component for a change in status. See the rejection for claim 7.

Claim 28

The method of Claim 21, comprising a said configuration module configuring a said component module statically at run time for a said component having static properties for a given invocation of the computer system. See the rejection for claim 8.

Claim 29

The method of Claim 21, comprising a said configuration module configuring a said component module fixedly at run time for a said component having fixed properties for any invocation of the computer system. See the rejection for claim 9.

Claim 30

The method of Claim 21, wherein a said component module for a component identifies an instrumentation module defining a source of instrumentation for the component. See the rejection for claim 12.

Claim 35

A carrier medium carrying computer program code operable to implement a method for generating of a management object model including a structured hierarchy of objects representing components of a computer system for performing management of the computer system, the method comprising component modules defining mappings from instrumentation of the components to objects representing those components, and configuration modules configuring associations between the component modules for the generation of the management object model. See the rejection for claim 1.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 18, 31, 32, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over OS/2 Client/Server Toolkit, by Angelo R. Bobak, 1995 in view of USPN# 6,405,366 B1 Lorenz issued June 11, 2002

Rejection for Claims 11, 18, 31, 32, 33 and 34

OS/2 teaches an object oriented system where objects manage a system and configure, instrument and communicate (see rejection for claim 1). OS/2 teaches the use of APIs in the form of messaging (inherent in OO) and pipes, but does not disclose in 1995 the use of plug-ins. It is Lorenz who teaches the use of plug-ins. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify OS/2 to implement plug-ins, because plug-ins provide communicate "... with software tool and operable to access data stored in a device type being a predetermined format." (Lorenz, col 2, lines 5-10).

Claim 11

The management system of Claim 1, wherein a said component module comprises a plug-in module. (Lorenz, col 2, lines 5-10).

Claim 18

The management system of Claim 12, wherein a said instrumentation module comprises a plug-in module. (Lorenz, col 2, lines 5-10).

Claim 31

The method of Claim 30, comprising the instrumentation module exporting an object-based representation of the instrumentation data via an instrumentation interface. See the rejection for claim 18.

Claim 32

The method of Claim 31, comprising a general part of the instrumentation module communicating with a specific part of the instrumentation module via a private interface to obtain instrumentation data, and the specific part interfacing with instrumentation for the component to obtain said instrumentation data. See the rejection for claim 14.

Claim 33

The method of Claim 32, wherein the general part and the specific part are local to each other. See the rejection for claim 15.

Claim 34

The method of Claim 32, wherein the specific part is remote from the general part, the general part being operable to communicate with the remote part via a remote access mechanism. See the rejection for claim 16.

Correspondence Information

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd Ingberg whose telephone number is (571) 272-3723. The examiner can normally be reached on during the work week..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Todd Ingberg
Primary Examiner

Art Unit 2193